GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVANTS – Registration and Stamps – Certain irregularities noticed in the Office of the District Registrar, Kakinada, during trap proceedings conducted on 12-04-2017 – Disciplinary action against Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) - Sanction Accorded – Common disciplinary proceedings initiated under Rule 24 of APCS (CCA) Rules, 1991 – Articles of Charge framed – Orders - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.625 **Dated:04-06-2019**

Read the following :-

1. G.O.Ms.No.308, Revenue (Vig-II) Dept, dated 04-06-2019.
2. G.O.Ms.No.309, Revenue (Vig-II) Dept, dated 04-06-2019.

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O R D E R :

In pursuance of the sanction accorded by the Government under Sub Clause (i) of Clause (b) of Sub Rule (2) of the Andhra Pradesh Revised Pension Rules, 1980 for instituting departmental proceedings against Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) and in continuation of the orders issued under Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, vide references read above, it is considered to hold an inquiry against the said Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) (Charged Officer-1) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputation of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) (Charged Officer-1) is directed to submit within ten days of the receipt of this Order a written statement of his defence.

4. Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) (Charged Officer-1) is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) (Charged Officer-1) is further informed that if he does not submit his written statement of defence on or before the time specified in para 3 above, or otherwise fails or refuses to comply with the provisions of Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules the Inquiring Authority may hold the inquiry against him ex-parte.

6. Attention of Sri M.Bala Prakash, former District Registrar, Kakinada (now retired) (Charged Officer-1) is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any

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superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri M.Bala Prakash, former District Registrar, Kakinada (now retired). (Enclosed Annexures I to IV) **through** the Director & Inspector General, Registration & Stamps, Andhra Pradesh, Vijayawada.(with a request to serve the order on the individual and send the served copy with dated signature to Government).

Copy to:

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Secretariat Building No.5, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada, Krishna District.

The Deputy Inspector General, Registration & Stamps, Kakinada, East Godavari District.

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//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE I

Articles of Charge framed against Sri Mortha Bala Prakash, former District Registrar, Registration & Stamps, Kakinada, East Godavari District (now retired).

Sri Mortha Bala Prakash, S/o.Mec.Donald is a native of Kakinada, East Godavari District. He joined in Government service as Sub-Registrar on 02.09.1985 and worked at Polavaram Sub-Registrar Office, East Godavari, Eluru, Attili, West Godavari district. Later he was transferred to Commissioner & Inspector General, Registration & Stamps, Hyderabad. Thereafter he was transferred to Bhimavaram in the capacity of Sub-Registrar Grade-I on 16.02.1996 and worked till 28.11.1999. Sri Martha Bala Prakash was promoted as Assistant District Registrar on 28.11.1999 and posted to Guntur and worked till 13.11.2003 and was further promoted as District Registrar on 20.11.2003 and posted at Eluru. Later he acted as In-charge District Registrar (MV & Audit) Guntur from 04.07.2008 to 15.04.2010 and subsequently at Ongole and Kakinada. He was promoted as Deputy Inspector General on 09.08.2013 and worked at Chittoor till 27.11.2014 and was transferred to Ananthapuram and worked from 27.11.2014 to 04.04.2016. He was reverted from Deputy Inspector General to District Registrar and posted at Kakinada on 27.04.2016. While working as District Registrar, Kakinada from 27-04-2016 to 12-04-2017 in East Godavari District, he committed grave mis-conduct in as much as.

That Sri Mortha Bala Prakash failed to follow G.O.Rt.No.1310, dated 29.12.2015 of Special Chief Secretary to Government and kept the file of Sri Gunda Sriramachandra Murthy for more than 3 months 10 days though the G.O., stipulates that whenever the District Registrar receives a document, he has to go through the document and after coming to conclusion, he has to give clarification within 6 days and he should dispose the document within 60 days referred Under Section 47-A of Indian Stamps Act.

Thus Sri Mortha Bala Prakash by his above mentioned acts has committed grave mis-conduct and failed to maintain absolute integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) and 3-B of Andhra Pradesh Civil Service (Conduct) Rules 1964 read with Rule 9 of Andhra Pradesh Revised Pension Rules 1980.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE — II

Statement of Imputation of Misconduct in support of the Articles of Charge framed against Sri Mortha Bala Prakash, former District Registrar, Registration & Stamps, Kakinada, East Godavari District (now retired).

Sri Mortha Bala Prakash, S/o.Mec.Donald is a native of Kakinada, East Godavari District. He joined in Government service as Sub-Registrar on 02.09.1985 and worked at Polavaram Sub-Registrar Office, East Godavari, Eluru, Attili, West Godavari district. Later he was transferred to Commissioner & Inspector General, Registration & Stamps, Hyderabad. Thereafter he was transferred to Bhimavaram in the capacity of Sub-Registrar Grade-I on 16.02.1996 and worked till 28.11.1999. Sri Mortha Bala Prakash was promoted as Assistant District Registrar on 28.11.1999 and posted to Guntur and worked till 13.11.2003 and was further promoted as District Registrar on 20.11.2003 and posted at Eluru. Later he acted as In-charge District Registrar (MV & Audit) Guntur from 04.07.2008 to 15.04.2010 and subsequently at Ongole and Kakinada. He was promoted as Deputy Inspector General on 09.08.2013 and worked at Chittoor till 27.11.2014 and was transferred to Ananthapuram and worked from 27.11.2014 to 04.04.2016. He was reverted from Deputy Inspector General to District Registrar and posted at Kakinada on 27.04.2016. While working as District Registrar, Kakinada from 27-042016 to 12-04-2017 in East Godavari District. His basic pay is Rs.91,450/-. He retired from service on attaining age of superannuation on 30.06.2018. He is here-in-after referred to as "Retired Government Servant".

Whereas, on 11.04.2017 at 14.00 hrs Sri Gunda Prasada Rao @ Kishore, S/o. Sreeramachandra Murthy, 37 years, business, Kakinada, East Godavari district came to the Office of Deputy Superintendent of Police, Anti Corruption Bureau, Rajamahendravaram lodged a written report to Deputy Superintendent of Police, Anti Corruption Bureau, Rajamahendravaram alleging that the Government Servant, Sri Mortha Bala Prakash, S/o.Mec.Donald, District Registrar, Kakinada, East Godavari District demanded Rs.40,000/- bribe for doing official favour of issuing permission letter to the Joint Sub-Registrar-1, Kakinada to register the land existing in RS No.195/5 & 199/1 admeasuring about Ac.1.10 cents located at Suryaraopeta, Kakinada belongs to Sri Gunda Prasad Rao and his family members certifying that the above said lands are not assigned lands. After following due procedure a case in Cr.No.06/RCT-RJY/2017, Under Section 7 of Prevention of Corruption Act, 1988 was registered against the Government Servant on 12-04-2017 at 06.00 hrs and investigated into. On 12-04-2017 at 11.30 hours the Retired Government Servant was trapped at the District Registrar Office, Kakinada when he further demanded and accepted bribe of Rs.40,000/- from Sri Gunda Prasada Rao @ Kishore through his friend Sri M. Suresh.

Whereas, during the course of investigation, on examination of Sri Appari Srinivasu, S/o.Sri Stayanarayana, Senior Assistant, Office of the District Registrar, Kakinada stated that he received the complainant's file on 06-04-2017 through dispatch clerk (Junior Assistant) with an endorsement of the Sri Mortha Bala Prakash dated 30.12.2016. On the instructions of Sri. Mortha Bala Prakash, he prepared note file along with proceedings vide Memo No.G1/544/2017, dated 06-04-2017 and put up the same before him. On 12-04-2017 at about 11.30 hours, some people rushed to the District Registrar's room and after some time he came to know that the Retired Government Servant was trapped by the Anti Corruption Bureau officials when he demanded and accepted bribe amount of Rs.40,000/- from Sri M. Suresh friend of the complainant, Sri Gunda Prasada Rao for issuing permission letter to Joint Registrar-1 for registration of land in R.S.Nos.195/5 & 199/1 admeasuring Ac.01.10 cents situated at Suryaraopeta, Kakinada belonged to the complainant and his family members and the said lands are not assigned lands, etc., facts.

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Whereas, Kum.Polavarapu Parvathi Devi, D/o.(Late) Nelluru, Junior Assistant, Office of the District Registrar, Registration & Stamps, Kakinada, stated that she is working as Junior Assistant in Dispatch section at the office of District Registrar, Kakinada since June, 2016. She further stated that on 06-04-2017, Sri Mortha Bala Prakash called her to his office room and handed over the application of Sri G.Srirama Chandra Murthy belongs to the complainant which was given for the permission to get his land admeasuring of Ac.1.10 cents existing in R.S.No.195/5 & 199/1 located at Suryaraopeta, Kakinada for registration with his endorsement dated 30-12-2016 and instructed to hand over the same to G1 Clerk. Then she entered the same in the Number Book (Inward) assigning SI.No.544/2017 and handed over the same to G-1 Senior Assistant, Sri Appari Srinivasu duly taking his signature in the register.

Whereas, Smt.Pidikiti Lakshmi Kumari, D/o Sri Narasimha Rao, Deputy Inspector General of Registrations and Stamps, Kakinada, East Godavari district, R/o.Near Karangari Junction, Ashok Nagar, Kakinada, East Godavari district stated that, she is working as Deputy Inspector General of Registrations and stamps in Kakinada, East Godavari district since 06.10.2016. She further stated that as per job chart vide GO.Rt.No.1310 dated 29.12.2015 of special chief secretary to Government, When the District Registrar received document, he has to go through the document after coming to conclusion gives clarification within 6 days and he should dispose the document within 60 days referred Under Section 47-A of Indian Stamps Act. But the District Registrar kept the file of Sri G.Srirama Chandra Murthy with him above 3 month 10 days.

Hence, Sri Mortha Bala Prakash kept the file of Sri Gunda Sriramachandra Murthy for more than 3 months 10 days and thereby violated G.O.Rt.No.1310 dated 29.12.2015 of Special Chief Secretary to Government which stipulates that whenever the District Registrar receives a document, he has to go through the document and after coming to conclusion, he has to give clarification within 6 days and he should dispose the document within 60 days referred Under Section 47-A of Indian Stamps Act.

Thus, Sri Mortha Bala Prakash by his above mentioned acts has committed grave mis-conduct and failed to maintain absolute integrity, devotion to duty and conduct unbecoming of a Government Servant and thereby contravened Rule 3 (1) (2) and 3-B of Andhra Pradesh Civil Service (Conduct) Rules 1964 r/w Rule 9 of Andhra Pradesh Revised Pension Rules 1980.

Thus the Government Servant therefore rendered himself liable for regular departmental action for major penalty.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE — III

LIST OF DOCUMENTS

1.	Copy of Mediators Report-II drafted at the O/o District Registrar, Kakinada, 12.04.2017 (file entire record).
2.	Official favour file No.544/2017 of Sri Gunda Sriramachandra Murthy, Kakinada
3.	Number Book, O/o District Registrar, Kakinada.
4.	Letter No.B/1249/2017, dated 30.11.2017 of Tahsildar, Kakinada Urban, Kakinada.
5.	Letter No.E1/346/2017, dated 30.11.2017 of the Deputy Inspector General of Registration and Stamps, Kakinada.
5A	G.O.Rt.No.1310 dated 29.12.2015 of Special Chief Secretary to Government.
6	Survey report of land R.S.No. 195/5 & 199/1 situated at Suryarappeta, Kakinada submitted by the complainant.
7	Furnishing details of properties U/s 22-2(1) (a) of the Registration Act, 1908 for Prohibition.
8	161 Cr.P.C Statement of Sri Appari Srinivasu, S/o Stayanarayana, Sr.Asst., O/o.District Registrar, Kakinada
9	161 Cr.P.C Statement of Kum.Polavarapu Parvathi Devi, D/o (Late) Nelluru, Jr.Asst. O/o.District Registrar, Regn. & Stamps, Kakinada
10	161 Cr.P.C Statement of Smt.Pidikiti Lakshmi Kumari, D/o.Narasimha Rao, age 59 years, DIG of Registrations and stamps, Kakinada, E.G.Distirct.
11	Any Other records which are required during the course of investigation will be obtained.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES

1	Sri Gunda Prasada Rao @ Kishore, S/o.Sriramachandra Murthy, R/o.Star Building, Turangi (V), Kakinada, East Godavari District.
2	Sri Marneedi Suresh, S/o Sri Swamy, R/o.D.No.67-7-4/1, Ashok Nagar, Kakinada, East Godavari District.
3	Sri Appari Srinivasu, S/o Stayanarayana, Sr.Asst., O/o.District Registrar, Kakinada
4	Kum. Polavarapu Parvathi Devi, D/o.(Late) Nelluru, Jr.Asst. O/o. District Registrar, Regn. & Stamps, Kakinada
5	Smt. Pidikiti Lakshmi Kumari D/o.Narasimha Rao, age 59 years, DIG of Registrations and stamps, Kakinada, E.G.Distirct.
6	Sri Manapragada Siva Kumar, S/o.M.Krishna Rao, age: 37 yrs, Forest Range officer, Rajavommangi, Kakinada Division, E.G.District. R/o Forest residential quarters, Rajavommangi.
7	Sri Matsa Jaya Venkata Satya Rajendra Varama, S/o.M.Lakshmipathi, age:49 yrs, Sr.Asst., O/o Forest Range office, Kakinada. R/o.D.No.70-7-2/5, Siddardhanagar, Road No.2, Kakinada.
8	Sri M.Sudhakara Rao, Deputy Superintendent of Police, Anti Corruption Bureau, Rajamahendravaram Range, Rajamahendravaram.
9	Sri P.V.Surya Mohana Rao, Range Inspector-I, Anti Corruption Bureau, Rajamahendravaram Range.
10	Any other witnesses whose evidence is relevant during investigation.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

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